

**EXHIBIT D**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

LINDA MIGLIORI, FRANCIS J. FOX,	)	
RICHARD E. RICHARDS, KENNETH	)	
RINGER, and SERGIO RIVAS,	)	
	)	
Plaintiffs,	)	No. 5:22-cv-00397-JFL
	)	
and	)	
	)	
ZACHARY COHEN,	)	
	)	
Intervenor-Plaintiff,	)	
	)	
v.	)	
	)	
LEHIGH COUNTY BOARD OF	)	
ELECTIONS,	)	
	)	
Defendants,	)	
	)	
and	)	
	)	
DAVID RITTER,	)	
Intervenor-Defendant.	)	
_____	)	

**DECLARATION OF RICHARD T. TING  
IN SUPPORT OF PETITION FOR AWARD OF ATTORNEYS' FEES**

I, Richard T. Ting, am one of the attorneys of record for the plaintiffs in the above-captioned case. I make the following declaration upon my personal knowledge:

1. This declaration is submitted in support of Plaintiffs' Petition for Attorneys' Fees.
2. I am a Staff Attorney of the ACLU of Pennsylvania, where I have worked as an attorney since November 2021.

3. I earned a J.D. from Harvard Law School in 2005, a master's degree from the Massachusetts Institute of Technology in 2001, and a bachelor's degree from Brown University in 2000.
4. After graduating from law school, I worked at Reed Smith for 5 years, where my practice focused on intellectual property, including litigation. During that time, I also served as cooperating counsel to the ACLU of Pennsylvania in civil rights litigation.
5. I then served for 2 years as a law clerk to the Honorable Cathy Bissoon of the U.S. District Court for the Western District of Pennsylvania. Following my clerkship, in 2012, I returned to private practice at a small law firm, again with a focus on intellectual property law, including litigation.
6. I left private practice in 2019 to focus on public interest civil rights litigation. Since then, I have worked for non-profit legal organizations with a focus on civil rights litigation.
7. I certify that the attached time sheets, which are incorporated by reference, were prepared contemporaneously and maintained in the ordinary course of business.
8. The hours we have billed in this case are fair and reasonable and were necessarily incurred in the successful prosecution of this case.
9. Only the time spent on this case that could reasonably be billed to a private client has been included.
10. Based on my experience and standing in the bar, I believe that the requested rate of \$475 per hour is fair and reflects the prevailing community rate for civil rights lawyers of comparable skill and experience.

11. I am currently admitted to practice in Pennsylvania, the Supreme Court of the United States, the U.S. Courts of Appeals for the Third and Federal Circuits, and the U.S. District Courts for the Eastern, Middle, and Western Districts of Pennsylvania.
12. I am a salaried employee of the ACLU of Pennsylvania, a nonprofit, nonpartisan organization dedicated to defending and protecting our individual rights and personal freedoms. We do not charge our clients, and have not done so in this case. Consequently, I am subject to the “community market rate rule” for determining my fee rate.
13. My hourly rate of \$475 per hour reflects the community market rate for attorneys of comparable skill and experience. This rate is based on knowledge of rates charged by partners at law firms in Philadelphia with similar levels of experience and educational backgrounds.
14. My total billable hours for the U.S. District Court proceedings in this case are 111.4. The total amount (lodestar), as calculated by multiplying the hours times the prevailing billing rate of \$475, is \$52,915.00.
15. For the foregoing reasons, I believe that my requested hourly rate of \$475 is fair, reasonable, and well within the scope of rates given to federal court litigators with similar experience, skill, and standing in the Philadelphia legal community.

I declare under penalty of perjury that the foregoing is true and correct.

A handwritten signature in cursive script, appearing to read "Richard T. Ting", written in black ink on a light gray background.

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Richard T. Ting

November 10, 2022

**Migliori v. Lehigh County Board of Elections - Richard T. Ting Attorney Time - E.D. Pa.****Hourly Rate = \$475**

<b>Date</b>	<b>Description</b>	<b>Time</b>	<b>Amount</b>
1/29/2022	Review case background materials (0.3); videoconference with V. Walczak, S. Loney, and M. Schneider to discuss tasks for preparing complaint and motion for temporary restraining order, and potential claims (0.8); legal research re due process and equal protection voting restriction claims (7.8); begin drafting temporary restraining order brief equal protection and due process arguments (1.4)	10.3	\$ 4,892.50
1/30/2022	Legal research re 14th Amendment arguments for TRO brief (3.6); continue drafting 14th Amendment arguments for TRO brief (5.1)	8.7	\$ 4,132.50
1/31/2022	Continue legal research re case law on burdens on right to vote	0.7	\$ 332.50
1/31/2022	Review E.D. Pa. Local Civil Rules and CM/ECF filing procedures	0.6	\$ 285.00
1/31/2022	Prepare Proposed Temporary Restraining Order	0.6	\$ 285.00
1/31/2022	Prepare Civil Cover Sheet and Designation Form	0.4	\$ 190.00
1/31/2022	Videoconference with V. Walczak, S. Loney, and M. Schneider to discuss scope of requested relief, discussions with solicitor, follow-up legal research, and next steps for pursuing TRO or injunction	1.2	\$ 570.00
1/31/2022	Legal research re potential challenges to federal court jurisdiction	1.3	\$ 617.50
1/31/2022	Court telephone oral argument on Motion for TRO	0.3	\$ 142.50
1/31/2022	Videoconference with V. Walczak and M. Schneider re interpretation of Pennsylvania Election Code and scope of proposed consent order	0.3	\$ 142.50
2/1/2022	Continue legal research re potential challenges to federal jurisdiction	1.4	\$ 665.00
2/1/2022	Continue legal research re procedural due process	1.3	\$ 617.50
2/2/2022	Review Ritter Motion to Intervene and proposed Answer	1.2	\$ 570.00
2/3/2022	Telephone conference with ACLU team, Kleinbard team (counsel for D. Ritter), and L. Repka (counsel for Lehigh County Board of Elections) re potential stipulated facts and conversion of preliminary injunction proceedings to summary judgment proceedings	0.9	\$ 427.50

Date	Description	Time	Amount
2/3/2022	Video conference w/ V. Walczak, S. Loney, and C. Hayes to discuss potential conversion of preliminary injunction proceedings to summary judgment proceedings	0.4	\$ 190.00
2/4/2022	Review documents from Lehigh County Board of Elections and Department of State	0.7	\$ 332.50
2/4/2022	Email K. Ringer re notification of ballot cancellation and preservation of emails and other documents	0.4	\$ 190.00
2/4/2022	Telephone conference with ACLU team, Kleinbard team (counsel for D. Ritter), and L. Repka (counsel for Lehigh County Board of Elections) re potential stipulated facts and conversion of preliminary injunction proceedings to summary judgment proceedings	0.5	\$ 237.50
2/4/2022	Video conference w/ V. Walczak, S. Loney, and C. Hayes to discuss potential conversion of preliminary injunction proceedings to summary judgment proceedings and strategy for pursuing claims	0.5	\$ 237.50
2/6/2022	Review proposed stipulated facts from counsel for D. Ritter	0.8	\$ 380.00
2/7/2022	Video conference w/ V. Walczak, S. Loney, and C. Hayes to discuss stipulated facts for summary judgment	0.5	\$ 237.50
2/8/2022	Revise draft summary judgment brief from C. Hayes	3.5	\$ 1,662.50
2/8/2022	Review and revise proposed stipulated facts	0.7	\$ 332.50
2/9/2022	Review documents for summary judgment motions and outline factual support for summary judgment arguments	2.3	\$ 1,092.50
2/9/2022	Prepare statement of facts section for summary judgment brief	3.2	\$ 1,520.00
2/10/2022	Revise summary judgment brief argument on materiality provision	2.2	\$ 1,045.00
2/10/2022	Legal research re materiality provision of Civil Rights Act	2.9	\$ 1,377.50
2/11/2022	Review and revise draft summary judgment brief	3.5	\$ 1,662.50
2/11/2022	Continue legal research re materiality provision of Civil Rights Act	0.4	\$ 190.00
2/11/2022	Review Lehigh County Board of Elections summary judgment brief	0.9	\$ 427.50
2/11/2022	Review Ritter summary judgment brief	1.4	\$ 665.00
2/14/2022	Legal research re laches	6.3	\$ 2,992.50

Date	Description	Time	Amount
2/15/2022	Continue legal research re laches	0.9	\$ 427.50
2/15/2022	Outline arguments for summary judgment response brief	2.1	\$ 997.50
2/15/2022	Video conference with V. Walczak, S. Loney, M. Schneider, and C. Hayes re arguments for summary judgment response brief	1.0	\$ 475.00
2/15/2022	Write laches argument for summary judgment response brief	3.1	\$ 1,472.50
2/16/2022	Read Cutler proposed amicus brief	0.4	\$ 190.00
2/16/2022	Continue writing laches argument for summary judgment response brief	1.8	\$ 855.00
2/17/2022	Continue legal research re laches	0.9	\$ 427.50
2/17/2022	Continue writing laches argument for summary judgment response brief	2.9	\$ 1,377.50
2/17/2022	Legal research re implied rights of action	1.2	\$ 570.00
2/18/2022	Continue legal research re implied rights of action	3.4	\$ 1,615.00
2/18/2022	Write unconstitutional burden argument for summary judgment response brief	3.5	\$ 1,662.50
2/19/2022	Legal research re unsigned declarations and laches	3.5	\$ 1,662.50
2/19/2022	Telephone conference with M. Schneider re implied rights of action	0.4	\$ 190.00
2/19/2022	Review and revise summary judgment response brief	2.5	\$ 1,187.50
2/21/2022	Review and revise summary judgment response brief	4.6	\$ 2,185.00
2/22/2022	Legal research re laches and statutory interpretation	3.1	\$ 1,472.50
2/22/2022	Review Ritter response brief re summary judgment	1.2	\$ 570.00
2/23/2022	Outline arguments for summary judgment reply brief	4.2	\$ 1,995.00
2/23/2022	Video conference with V. Walczak, S. Loney, M. Schneider, and C. Hayes re arguments for summary judgment reply brief	0.9	\$ 427.50
2/23/2022	Legal research re statutory construction	0.5	\$ 237.50
2/23/2022	Prepare summary judgment reply brief	1.7	\$ 807.50
2/24/2022	Revise summary judgment reply brief	2.2	\$ 1,045.00
2/25/2022	Review and revise summary judgment reply brief	3.9	\$ 1,852.50
2/25/2022	Video conference with S. Loney, M. Schneider, and C. Hayes re arguments in reply brief	1.0	\$ 475.00
2/25/2022	Review Ritter's summary judgment reply brief	0.2	\$ 95.00
	<b>TOTAL</b>	<b>111.4</b>	<b>\$ 52,915.00</b>